

107TH CONGRESS  
2D SESSION

# S. 2222

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## AN ACT

To resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **TITLE I—CAPE FOX LAND ENTI-**  
 2 **TLEMENT ADJUSTMENT ACT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Cape Fox Land Enti-  
 5 tlement Adjustment Act of 2002”.

6 **SEC. 102. FINDINGS.**

7 Congress finds that:

8 (1) Cape Fox Corporation (Cape Fox) is an  
 9 Alaska Native Village Corporation organized pursu-  
 10 ant to the Alaska Native Claims Settlement Act  
 11 (ANCSA) (43 U.S.C. 1601 et seq.) for the Native  
 12 Village of Saxman.

13 (2) As with other ANCSA village corporations  
 14 in Southeast Alaska, Cape Fox was limited to select-  
 15 ing 23,040 acres under section 16 of ANCSA.

16 (3) Except for Cape Fox, all other Southeast  
 17 Alaska ANCSA village corporations were restricted  
 18 from selecting within two miles of a home rule city.

19 (4) To protect the watersheds in the vicinity of  
 20 Ketchikan, Cape Fox was restricted from selecting  
 21 lands within six miles from the boundary of the  
 22 home rule City of Ketchikan under section 22(1) of  
 23 ANCSA (43 U.S.C. 1621(1)).

24 (5) The six mile restriction damaged Cape Fox  
 25 by precluding the corporation from selecting valuable

1 timber lands, industrial sites, and other commercial  
2 property, not only in its core township but in sur-  
3 rounding lands far removed from Ketchikan and its  
4 watershed.

5 (6) As a result of the 6 mile restriction, only  
6 the remote mountainous northeast corner of Cape  
7 Fox's core township, which is nonproductive and of  
8 no known economic value, was available for selection  
9 by the corporation. Selection of this parcel was, how-  
10 ever, mandated by section 16(b) of ANCSA (43  
11 U.S.C. 1615(b)).

12 (7) Cape Fox's land selections were further lim-  
13 ited by the fact that the Annette Island Indian Res-  
14 ervation is within its selection area, and those lands  
15 were unavailable for ANCSA selection. Cape Fox is  
16 the only ANCSA village corporation affected by this  
17 restriction.

18 (8) Adjustment of Cape Fox's selections and  
19 conveyances of land under ANCSA requires adjust-  
20 ment of Sealaska Corporation's (Sealaska) selections  
21 and conveyances to avoid creation of additional split  
22 estate between National Forest System surface lands  
23 and Sealaska subsurface lands.

24 (9) There is an additional need to resolve exist-  
25 ing areas of Sealaska/Tongass split estate, in which

1 Sealaska holds title or conveyance rights to several  
 2 thousand acres of subsurface lands that encumber  
 3 management of Tongass National Forest surface  
 4 lands.

5 (10) The Tongass National Forest lands identi-  
 6 fied in this title for selection by and conveyance to  
 7 Cape Fox and Sealaska, subject to valid existing  
 8 rights, provide a means to resolve some of the Cape  
 9 Fox and Sealaska ANCSA land entitlement issues  
 10 without significantly affecting Tongass National  
 11 Forest resources, uses or values.

12 (11) Adjustment of Cape Fox's selections and  
 13 conveyances of land under ANCSA through the pro-  
 14 visions of this title, and the related adjustment of  
 15 Sealaska's selections and conveyances hereunder, are  
 16 in accordance with the purposes of ANCSA and oth-  
 17 erwise in the public interest.

18 **SEC. 103. WAIVER OF CORE TOWNSHIP REQUIREMENT FOR**  
 19 **CERTAIN LANDS.**

20 Notwithstanding the provisions of section 16(b) of  
 21 ANCSA (43 U.S.C. 1615(b)), Cape Fox shall not be re-  
 22 quired to select or receive conveyance of approximately  
 23 160 acres of Federal un conveyed lands within Section 1,  
 24 T. 75 S., R. 91 E., C.R.M.

1 **SEC. 104. SELECTION OUTSIDE EXTERIOR SELECTION**  
 2 **BOUNDARY.**

3 (a) SELECTION AND CONVEYANCE OF SURFACE ES-  
 4 TATE.—In addition to lands made available for selection  
 5 under ANCSA, within 24 months after the date of enact-  
 6 ment of this Act, Cape Fox may select, and, upon receiv-  
 7 ing written notice of such selection, the Secretary of the  
 8 Interior shall convey approximately 99 acres of the surface  
 9 estate of Tongass National Forest lands outside Cape  
 10 Fox’s current exterior selection boundary, specifically that  
 11 parcel described as follows:

- 12 (1) T. 73 S., R. 90 E., C.R.M.
- 13 (2) Section 33: SW portion of SE<sup>1</sup>/<sub>4</sub>: 38 acres.
- 14 (3) Section 33: NW portion of SE<sup>1</sup>/<sub>4</sub>: 13 acres.
- 15 (4) Section 33: SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>: 40 acres.
- 16 (5) Section 33: SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>: 8 acres.

17 (b) CONVEYANCE OF SUBSURFACE ESTATE.—Upon  
 18 conveyance to Cape Fox of the surface estate to the lands  
 19 identified in subsection (a), the Secretary of the Interior  
 20 shall convey to Sealaska the subsurface estate to the  
 21 lands.

22 (c) TIMING.—The Secretary of the Interior shall com-  
 23 plete the interim conveyances to Cape Fox and Sealaska  
 24 under this section within 180 days after the Secretary of  
 25 the Interior receives notice of the Cape Fox selection  
 26 under subsection (a).

1 **SEC. 105. EXCHANGE OF LANDS BETWEEN CAPE FOX AND**  
 2 **THE TONGASS NATIONAL FOREST.**

3 (a) GENERAL.—The Secretary of Agriculture shall  
 4 offer, and if accepted by Cape Fox, shall exchange the  
 5 Federal lands described in subsection (b) for lands and  
 6 interests therein identified by Cape Fox under subsection  
 7 (c) and, to the extent necessary, lands and interests there-  
 8 in identified under subsection (d).

9 (b) LANDS TO BE EXCHANGED TO CAPE FOX.—The  
 10 lands to be offered for exchange by the Secretary of Agri-  
 11 culture are Tongass National Forest lands comprising ap-  
 12 proximately 2,663.9 acres in T. 36 S., R. 62 E., C.R.M.  
 13 and T. 35 S., R. 62 E., C.R.M., as designated upon a  
 14 map entitled “Proposed Kensington Project Land Ex-  
 15 change”, dated March 18, 2002, and available for inspec-  
 16 tion in the Forest Service Region 10 regional office in Ju-  
 17 neau, Alaska.

18 (c) LANDS TO BE EXCHANGED TO THE UNITED  
 19 STATES.—Cape Fox shall be entitled, within 60 days after  
 20 the date of enactment of this Act, to identify in writing  
 21 to the Secretaries of Agriculture and the Interior the lands  
 22 and interests in lands that Cape Fox proposes to exchange  
 23 for the Federal lands described in subsection (b). The  
 24 lands and interests in lands shall be identified from lands  
 25 previously conveyed to Cape Fox comprising approxi-  
 26 mately 2,900 acres and designated as parcels A–1 to A–

1 3, B–1 to B–3, and C upon a map entitled “Cape Fox  
 2 Corporation ANCSA Land Exchange Proposal”, dated  
 3 March 15, 2002, and available for inspection in the Forest  
 4 Service Region 10 regional office in Juneau, Alaska.  
 5 Lands identified for exchange within each parcel shall be  
 6 contiguous to adjacent National Forest System lands and  
 7 in reasonably compact tracts. The lands identified for ex-  
 8 change shall include a public trail easement designated as  
 9 D on said map, unless the Secretary of Agriculture agrees  
 10 otherwise. The value of the easement shall be included in  
 11 determining the total value of lands exchanged to the  
 12 United States.

13 (d) VALUATION OF EXCHANGE LANDS.—The Sec-  
 14 retary of Agriculture shall determine whether the lands  
 15 identified by Cape Fox under subsection (c) are equal in  
 16 value to the lands described in subsection (b). If the lands  
 17 identified under subsection (c) are determined to have in-  
 18 sufficient value to equal the value of the lands described  
 19 in subsection (b), Cape Fox and the Secretary shall mutu-  
 20 ally identify additional Cape Fox lands for exchange suffi-  
 21 cient to equalize the value of lands conveyed to Cape Fox.  
 22 Such land shall be contiguous to adjacent National Forest  
 23 System lands and in reasonably compact tracts.

24 (e) CONDITIONS.—The offer and conveyance of Fed-  
 25 eral lands to Cape Fox in the exchange shall, notwith-

1 standing section 14(f) of ANCSA, be of the surface and  
 2 subsurface estate, but subject to valid existing rights and  
 3 all other provisions of section 14(g) of ANCSA.

4 (f) TIMING.—The Secretary of Agriculture shall at-  
 5 tempt, within 90 days after the date of enactment of this  
 6 Act, to enter into an agreement with Cape Fox to consum-  
 7 mate the exchange consistent with this title. The lands  
 8 identified in the exchange agreement shall be exchanged  
 9 by conveyance at the earliest possible date after the ex-  
 10 change agreement is signed. Subject only to conveyance  
 11 from Cape Fox to the United States of all its rights, title  
 12 and interests in the Cape Fox lands included in the ex-  
 13 change consistent with this title, the Secretary of the Inte-  
 14 rior shall complete the interim conveyance to Cape Fox  
 15 of the Federal lands included in the exchange within 180  
 16 days after the execution of the exchange agreement by  
 17 Cape Fox and the Secretary of Agriculture.

18 **SEC. 106. EXCHANGE OF LANDS BETWEEN SEALASKA AND**  
 19 **THE TONGASS NATIONAL FOREST.**

20 (a) GENERAL.—Upon conveyance of the Cape Fox  
 21 lands included in the exchange under section 105 and con-  
 22 veyance and relinquishment by Sealaska in accordance  
 23 with this title of the lands and interests in lands described  
 24 in subsection (c), the Secretary of the Interior shall convey



1 to Sealaska the Federal lands identified for exchange  
 2 under subsection (b).

3 (b) LANDS TO BE EXCHANGED TO SEALASKA.—The  
 4 lands to be exchanged to Sealaska are to be selected by  
 5 Sealaska from Tongass National Forest lands comprising  
 6 approximately 9,329 acres in T. 36 S., R. 62 E., C.R.M.,  
 7 T. 35 S., R. 62 E., C.R.M., and T. 34 S., Range 62 E.,  
 8 C.R.M., as designated upon a map entitled “Proposed  
 9 Sealaska Corporation Land Exchange Kensington Lands  
 10 Selection Area”, dated April 2002 and available for in-  
 11 spection in the Forest Service Region 10 Regional Office  
 12 in Juneau, Alaska. Within 60 days after receiving notice  
 13 of the identification by Cape Fox of the exchange lands  
 14 under section 105(c), Sealaska shall be entitled to identify  
 15 in writing to the Secretaries of Agriculture and the Inte-  
 16 rior the lands that Sealaska selects to receive in exchange  
 17 for the Sealaska lands described in subsection (c). Lands  
 18 selected by Sealaska shall be in no more than two contig-  
 19 uous and reasonably compact tracts that adjoin the lands  
 20 described for exchange to Cape Fox in section 105(b). The  
 21 Secretary of Agriculture shall determine whether these se-  
 22 lected lands are equal in value to the lands described in  
 23 subsection (c) and may adjust the amount of selected  
 24 lands in order to reach agreement with Sealaska regarding  
 25 equal value. The exchange conveyance to Sealaska shall

1 be of the surface and subsurface estate in the lands se-  
2 lected and agreed to by the Secretary but subject to valid  
3 existing rights and all other provisions of section 14(g)  
4 of ANCSA.

5 (c) LANDS TO BE EXCHANGED TO THE UNITED  
6 STATES.—The lands and interests therein to be exchanged  
7 by Sealaska are the subsurface estate underlying the Cape  
8 Fox exchange lands described in section 105(c), an addi-  
9 tional approximately 2,506 acres of the subsurface estate  
10 underlying Tongass National Forest surface estate, de-  
11 scribed in Interim Conveyance No. 1673, and rights to be  
12 additional approximately 2,698 acres of subsurface estate  
13 of Tongass National Forest lands remaining to be con-  
14 veyed to Sealaska from Group 1, 2 and 3 lands as set  
15 forth in the Sealaska Corporation/United States Forest  
16 Service Split Estate Exchange Agreement of November  
17 26, 1991, at Schedule B, as modified on January 20,  
18 1995.

19 (d) TIMING.—The Secretary of Agriculture shall at-  
20 tempt, within 90 days after receipt of the selection of  
21 lands by Sealaska under subsection (b), to enter into an  
22 agreement with Sealaska to consummate the exchange  
23 consistent with this title. The lands identified in the ex-  
24 change agreement shall be exchanged by conveyance at the  
25 earliest possible date after the exchange agreement is

1 signed. Subject only to the Cape Fox and Sealaska convey-  
2 ances and relinquishments described in subsection (a), the  
3 Secretary of the Interior shall complete the interim con-  
4 veyance to Sealaska of the Federal lands selected for ex-  
5 change within 180 days after execution of the agreement  
6 by Sealaska and the Secretary of Agriculture.

7 (e) MODIFICATION OF AGREEMENT.—The executed  
8 exchange agreement under this section shall be considered  
9 a further modification of the Sealaska Corporation/United  
10 States Forest Service Split Estate Exchange Agreement,  
11 as ratified in section 17 of Public Law 102–415 (October  
12 14, 1992).

13 **SEC. 107. MISCELLANEOUS PROVISIONS.**

14 (a) EQUAL VALUE REQUIREMENT.—The exchanges  
15 described in this title shall be of equal value. Cape Fox  
16 and Sealaska shall have the opportunity to present to the  
17 Secretary of Agriculture estimates of value of exchange  
18 lands with supporting information.

19 (b) TITLE.—Cape Fox and Sealaska shall convey and  
20 provide evidence of title satisfactory to the Secretary of  
21 Agriculture for their respective lands to be exchanged to  
22 the United States under this title, subject only to excep-  
23 tions, reservations and encumbrances in the interim con-  
24 veyance or patent from the United States or otherwise ac-  
25 ceptable to the Secretary of Agriculture.

1       (c) HAZARDOUS SUBSTANCES.—Cape Fox, Sealaska,  
 2 and the United States each shall not be subject to liability  
 3 for the presence of any hazardous substance in land or  
 4 interests in land solely as a result of any conveyance or  
 5 transfer of the land or interests under this title.

6       (d) EFFECT ON ANCSA SELECTIONS.—Any convey-  
 7 ance of Federal surface or subsurface lands to Cape Fox  
 8 or Sealaska under this title shall be considered, for all pur-  
 9 poses, land conveyed pursuant to ANCSA. Nothing in this  
 10 title shall be construed to change the total acreage of land  
 11 entitlement of Cape Fox or Sealaska under ANCSA. Cape  
 12 Fox and Sealaska shall remain charged for any lands they  
 13 exchange under this title and any lands conveyed pursuant  
 14 to section 4, but shall not be charged for any lands re-  
 15 ceived under section 5 or section 6. The exchanges de-  
 16 scribed in this title shall be considered, for all purposes,  
 17 actions which lead to the issuance of conveyances to Na-  
 18 tive Corporations pursuant to ANCSA. Lands or interests  
 19 therein transferred to the United States under this title  
 20 shall become and be administered as part of the Tongass  
 21 National Forest.

22       (e) EFFECT ON STATEHOOD SELECTIONS.—Lands  
 23 conveyed to or selected by the State of Alaska under the  
 24 Alaska Statehood Act (Public Law 85–508; 72 Stat. 339;  
 25 48 U.S.C. note prec. 21) shall not be eligible for selection

1 or conveyance under this title without the consent of the  
2 State of Alaska.

3 (f) MAPS.—The maps referred to in this title shall  
4 be maintained on file in the Forest Service Region 10 Re-  
5 gional Office in Juneau, Alaska. The acreages cited in this  
6 title are approximate, and if there is any discrepancy be-  
7 tween cited acreage and the land depicted on the specified  
8 maps, the maps shall control. The maps do not constitute  
9 an attempt by the United States to convey State or private  
10 land.

11 (g) EASEMENTS.—Notwithstanding section 17(b) of  
12 ANCSA, Federal lands conveyed to Cape Fox or Sealaska  
13 pursuant to this title shall be subject only to the reserva-  
14 tion of public easements mutually agreed to and set forth  
15 in the exchange agreements executed under this title. The  
16 easements shall include easements necessary for access  
17 across the lands conveyed under this title for use of na-  
18 tional forest or other public lands.

19 (h) OLD GROWTH RESERVES.—The Secretary of Ag-  
20 riculture shall add an equal number of acres to old growth  
21 reserves on the Tongass National Forest as are trans-  
22 ferred out of Federal ownership as a result of this title.

23 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) DEPARTMENT OF AGRICULTURE.—There are au-  
25 thorized to be appropriated to the Secretary of Agriculture

1 such sums as may be necessary for value estimation and  
 2 related costs of exchanging lands specified in this title,  
 3 and for road rehabilitation, habitat and timber stand im-  
 4 provement, including thinning and pruning, on lands ac-  
 5 quired by the United States under this title.

6 (b) DEPARTMENT OF THE INTERIOR.—There are au-  
 7 thorized to be appropriated to the Secretary of the Interior  
 8 such sums as may be necessary for land surveys and con-  
 9 veyances pursuant to this title.

## 10 **TITLE II—LAND CONVEYANCE** 11 **TO CLARK COUNTY, NEVADA**

### 12 **SEC. 201. CONVEYANCE OF PROPERTY TO CLARK COUNTY,** 13 **NEVADA.**

14 (a) FINDINGS.—Congress finds that—

15 (1) the Las Vegas area has experienced such  
 16 rapid growth in the last few years that traditional  
 17 locations for target shooting are now too close to  
 18 populated areas for safety;

19 (2) there is a need to designate a centralized lo-  
 20 cation in the Las Vegas valley where target shooters  
 21 can practice safely; and

22 (3) a central facility is also needed for persons  
 23 training in the use of firearms, such as local law en-  
 24 forcement and security personnel.

25 (b) PURPOSES.—The purposes of this title are—

1           (1) to provide a suitable location for the estab-  
2       lishment of a centralized shooting facility in the Las  
3       Vegas valley; and

4           (2) to provide the public with—

5               (A) opportunities for education and recre-  
6       ation; and

7               (B) a location for competitive events and  
8       marksmanship training.

9       (c) CONVEYANCE.—As soon as practicable after the  
10   date of enactment of this Act, the Secretary of the Interior  
11   shall convey to Clark County, Nevada, subject to valid ex-  
12   isting rights, for no consideration, all right, title, and in-  
13   terest of the United States in and to the following parcels  
14   of land:

15           (1) the approximately 640 acres of land de-  
16   picted as “Site Location” on the map entitled  
17   “Shooting Range, Las Vegas Valley” and dated Oc-  
18   tober 2, 2002 (hereinafter referred to as the  
19   “Map”), to be conveyed under the Recreation and  
20   Public Purposes Act (43 U.S.C. 869), notwith-  
21   standing subsection (b) of the Act, to the extent  
22   there is any conflict with this subsection; and

23           (2) the approximately 2,240 acres of land de-  
24   picted as “Open Space” on the Map.

25       (d) USE OF LAND.—

1           (1) SHOOTING RANGE.—The land depicted as  
2       “Site Location” on the Map shall be used by Clark  
3       County for the purposes described in subsection (b)  
4       only.

5           (2) OPEN SPACE.—The land depicted as “Open  
6       Space” on the Map shall be used by Clark County  
7       solely to provide open space, wildlife habitat, and a  
8       buffer around the shooting range facility.

9           (3) DISPOSAL.—None of the land conveyed  
10      under subsection (c) shall be disposed of by the  
11      County.

12          (4) REVERSION.—If Clark County ceases to use  
13      any parcel for the purposes described in this sub-  
14      section, or attempts to dispose of any parcel, title to  
15      the parcel shall revert to the United States, at the  
16      option of the United States.

17          (e) ADDITIONAL TERMS AND CONDITIONS.—The  
18      Secretary of the Interior may require such additional  
19      terms and conditions in connection with the conveyance  
20      as the Secretary considers appropriate to protect the inter-  
21      ests of the United States.



1 **TITLE III—BLUNT RESERVOIR**  
 2 **AND PIERRE CANAL LAND**  
 3 **CONVEYANCE**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “Blunt Reservoir and  
 6 Pierre Canal Land Conveyance Act of 2002”.

7 **SEC. 302. BLUNT RESERVOIR AND PIERRE CANAL.**

8 (a) DEFINITIONS.—In this section:

9 (1) BLUNT RESERVOIR FEATURE.—The term  
 10 “Blunt Reservoir feature” means the Blunt Res-  
 11 ervoir feature of the Oahe Unit, James Division, au-  
 12 thorized by the Act of August 3, 1968 (82 Stat.  
 13 624), as part of the Pick-Sloan Missouri River Basin  
 14 program.

15 (2) COMMISSION.—The term “Commission”  
 16 means the Commission of Schools and Public Lands  
 17 of the State.

18 (3) NONPREFERENTIAL LEASE PARCEL.—The  
 19 term “nonpreferential lease parcel” means a parcel  
 20 of land that—

21 (A) was purchased by the Secretary for use  
 22 in connection with the Blunt Reservoir feature  
 23 or the Pierre Canal feature; and

24 (B) was considered to be a nonpreferential  
 25 lease parcel by the Secretary as of January 1,

1           2001, and is reflected as such on the roster of  
2           leases of the Bureau of Reclamation for 2001.

3           (4) PIERRE CANAL FEATURE.—The term  
4           “Pierre Canal feature” means the Pierre Canal fea-  
5           ture of the Oahe Unit, James Division, authorized  
6           by the Act of August 3, 1968 (82 Stat. 624), as  
7           part of the Pick-Sloan Missouri River Basin pro-  
8           gram.

9           (5) PREFERENTIAL LEASEHOLDER.—The term  
10          “preferential leaseholder” means a person or de-  
11          scendant of a person that held a lease on a pref-  
12          erential lease parcel as of January 1, 2001, and is  
13          reflected as such on the roster of leases of the Bu-  
14          reau of Reclamation for 2001.

15          (6) PREFERENTIAL LEASE PARCEL.—The term  
16          “preferential lease parcel” means a parcel of land  
17          that—

18                 (A) was purchased by the Secretary for use  
19                 in connection with the Blunt Reservoir feature  
20                 or the Pierre Canal feature; and

21                 (B) was considered to be a preferential  
22                 lease parcel by the Secretary as of January 1,  
23                 2001, and is reflected as such on the roster of  
24                 leases of the Bureau of Reclamation for 2001.

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior, acting through the  
3           Commissioner of Reclamation.

4           (8) STATE.—The term “State” means the State  
5           of South Dakota, including a successor in interest of  
6           the State.

7           (9) UNLEASED PARCEL.—The term “unleased  
8           parcel” means a parcel of land that—

9                   (A) was purchased by the Secretary for use  
10                  in connection with the Blunt Reservoir feature  
11                  or the Pierre Canal feature; and

12                   (B) is not under lease as of the date of en-  
13                  actment of this Act.

14           (b) DEAUTHORIZATION.—The Blunt Reservoir fea-  
15           ture is deauthorized.

16           (c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

17                   (1) IN GENERAL.—As a condition of each con-  
18                  veyance under subsections (d)(5) and (e), respec-  
19                  tively, the State shall agree to accept—

20                   (A) in “as is” condition, the portions of  
21                  the Blunt Reservoir Feature and the Pierre  
22                  Canal Feature that pass into State ownership;

23                   (B) any liability accruing after the date of  
24                  conveyance as a result of the ownership, oper-  
25                  ation, or maintenance of the features referred

to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that

1 is outstanding as to a third party as of the date  
 2 of enactment of this Act.

3 (4) ADDITIONAL CONDITIONS OF CONVEYANCE  
 4 TO STATE.—A conveyance to the State under sub-  
 5 section (d)(5) or (e) shall be subject to the reserva-  
 6 tions by the United States and the conditions speci-  
 7 fied in section 1 of the Act of May 19, 1948 (chap-  
 8 ter 310; 62 Stat. 240), as amended (16 U.S.C.  
 9 667b), for the transfer of property to State agencies  
 10 for wildlife conservation purposes.

11 (d) PURCHASE OPTION.—

12 (1) IN GENERAL.—A preferential leaseholder  
 13 shall have an option to purchase from the Commis-  
 14 sion, acting as an agent for the Secretary, the pref-  
 15 erential lease parcel that is the subject of the lease.

16 (2) TERMS.—

17 (A) IN GENERAL.—Except as provided in  
 18 subparagraph (B), a preferential leaseholder  
 19 may elect to purchase a parcel on one of the  
 20 following terms:

21 (i) Cash purchase for the amount that  
 22 is equal to—

23 (I) the value of the parcel deter-  
 24 mined under paragraph (4); minus

25 (II) ten percent of that value.

1 (ii) Installment purchase, with 10 per-  
 2 cent of the value of the parcel determined  
 3 under paragraph (4) to be paid on the date  
 4 of purchase and the remainder to be paid  
 5 over not more than 30 years at 3 percent  
 6 annual interest.

7 (B) VALUE UNDER \$10,000.—If the value  
 8 of the parcel is under \$10,000, the purchase  
 9 shall be made on a cash basis in accordance  
 10 with subparagraph (A)(i).

11 (3) OPTION EXERCISE PERIOD.—

12 (A) IN GENERAL.—A preferential lease-  
 13 holder shall have until the date that is 5 years  
 14 after enactment of this Act to exercise the op-  
 15 tion under paragraph (1).

16 (B) CONTINUATION OF LEASES.—Until the  
 17 date specified in subparagraph (A), a pref-  
 18 erential leaseholder shall be entitled to continue  
 19 to lease from the Secretary the parcel leased by  
 20 the preferential leaseholder under the same  
 21 terms and conditions as under the lease, as in  
 22 effect as of the date of enactment of this Act.

23 (4) VALUATION.—

24 (A) IN GENERAL.—The value of a pref-  
 25 erential lease parcel shall be its fair market

1 value for agricultural purposes determined by  
 2 an independent appraisal, exclusive of the value  
 3 of private improvements made by the lease-  
 4 holders while the land was federally owned be-  
 5 fore the date of the enactment of this Act, in  
 6 conformance with the Uniform Appraisal  
 7 Standards for Federal Land Acquisition.

8 (B) FAIR MARKET VALUE.—Any dispute  
 9 over the fair market value of a property under  
 10 subparagraph (A) shall be resolved in accord-  
 11 ance with section 2201.4 of title 43, Code of  
 12 Federal Regulations.

13 (5) CONVEYANCE TO THE STATE.—

14 (A) IN GENERAL.—If a preferential lease-  
 15 holder fails to purchase a parcel within the pe-  
 16 riod specified in paragraph (3)(A), the Sec-  
 17 retary shall convey the parcel to the State of  
 18 South Dakota Department of Game, Fish, and  
 19 Parks.

20 (B) WILDLIFE HABITAT MITIGATION.—  
 21 Land conveyed under subparagraph (A) shall be  
 22 used by the South Dakota Department of  
 23 Game, Fish, and Parks for the purpose of miti-  
 24 gating the wildlife habitat that was lost as a re-

1           sult of the development of the Pick-Sloan  
2           project.

3           (6) USE OF PROCEEDS.—Proceeds of sales of  
4           land under this title shall be deposited as miscella-  
5           neous funds in the Treasury and such funds shall be  
6           made available, subject to appropriations, to the  
7           State for the establishment of a trust fund to pay  
8           the county taxes on the lands received by the State  
9           Department of Game, Fish, and Parks under the  
10          bill.

11          (e) CONVEYANCE OF NONPREFERENTIAL LEASE  
12          PARCELS AND UNLEASED PARCELS.—

13           (1) CONVEYANCE BY SECRETARY TO STATE.—

14           (A) IN GENERAL.—Not later than 1 year  
15           after the date of enactment of this Act, the Sec-  
16           retary shall convey to the South Dakota De-  
17           partment of Game, Fish, and Parks the non-  
18           preferential lease parcels and unleased parcels  
19           of the Blunt Reservoir and Pierre Canal.

20           (B) WILDLIFE HABITAT MITIGATION.—

21           Land conveyed under subparagraph (A) shall be  
22           used by the South Dakota Department of  
23           Game, Fish, and Parks for the purpose of miti-  
24           gating the wildlife habitat that was lost as a re-



1           sult of the development of the Pick-Sloan  
2           project.

3           (2) LAND EXCHANGES FOR NONPREFERENTIAL  
4           LEASE PARCELS AND UNLEASED PARCELS.—

5                   (A) IN GENERAL.—With the concurrence  
6           of the South Dakota Department of Game,  
7           Fish, and Parks, the South Dakota Commission  
8           of Schools and Public Lands may allow a per-  
9           son to exchange land that the person owns else-  
10          where in the State for a nonpreferential lease  
11          parcel or unleased parcel at Blunt Reservoir or  
12          Pierre Canal, as the case may be.

13                  (B) PRIORITY.—The right to exchange  
14          nonpreferential lease parcels or unleased parcels  
15          shall be granted in the following order or pri-  
16          ority:

17                   (i) Exchanges with current lessees for  
18          nonpreferential lease parcels.

19                   (ii) Exchanges with adjoining and ad-  
20          jacent landowners for unleased parcels and  
21          nonpreferential lease parcels not exchanged  
22          by current lessees.

23                  (C) EASEMENT FOR WATER CONVEYANCE  
24          STRUCTURE.—As a condition of the exchange of  
25          land of the Pierre Canal Feature under this

1 paragraph, the United States reserves a per-  
2 petual easement to the land to allow for the  
3 right to design, construct, operate, maintain,  
4 repair, and replace a pipeline or other water  
5 conveyance structure over, under, across, or  
6 through the Pierre Canal feature.

7 (f) RELEASE FROM LIABILITY.—

8 (1) IN GENERAL.—Effective on the date of con-  
9 veyance of any parcel under this title, the United  
10 States shall not be held liable by any court for dam-  
11 ages of any kind arising out of any act, omission, or  
12 occurrence relating to the parcel, except for damages  
13 for acts of negligence committed by the United  
14 States or by an employee, agent, or contractor of the  
15 United States, before the date of conveyance.

16 (2) NO ADDITIONAL LIABILITY.—Nothing in  
17 this section adds to any liability that the United  
18 States may have under chapter 171 of title 28,  
19 United States Code (commonly known as the “Fed-  
20 eral Tort Claims Act”).

21 (g) REQUIREMENTS CONCERNING CONVEYANCE OF  
22 LEASE PARCELS.—

23 (1) INTERIM REQUIREMENTS.—During the pe-  
24 riod beginning on the date of enactment of this Act  
25 and ending on the date of conveyance of the parcel,

1 the Secretary shall continue to lease each pref-  
 2 erential lease parcel or nonpreferential lease parcel  
 3 to be conveyed under this section under the terms  
 4 and conditions applicable to the parcel on the date  
 5 of enactment of this Act.

6 (2) PROVISION OF PARCEL DESCRIPTIONS.—  
 7 Not later than 180 days after the date of enactment  
 8 of this Act, the Secretary shall provide the State a  
 9 full legal description of all preferential lease parcels  
 10 and nonpreferential lease parcels that may be con-  
 11 veyed under this section.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
 13 authorized to be appropriated to carry out this title  
 14 \$750,000 to reimburse the Secretary for expenses in-  
 15 curred in implementing this title, and such sums as are  
 16 necessary to reimburse the Commission for expenses in-  
 17 curred implementing this title, not to exceed 10 percent  
 18 of the cost of each transaction conducted under this title.

19 **TITLE IV—GLEN CANYON NA-**  
 20 **TIONAL RECREATION AREA**  
 21 **BOUNDARY REVISION**

22 **SEC. 401. SHORT TITLE.**

23 This title may be cited as the “Glen Canyon National  
 24 Recreation Area Boundary Revision Act of 2002”.

1 **SEC. 402. GLEN CANYON NATIONAL RECREATION AREA**  
2 **BOUNDARY REVISION.**

3 (a) IN GENERAL.—The first section of Public Law  
4 92–593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

5 (1) by striking “That in” and inserting “SEC-  
6 TION 1. (a) In”; and

7 (2) by adding at the end the following:

8 “(b) In addition to the boundary change authority  
9 under subsection (a), the Secretary may acquire approxi-  
10 mately 152 acres of private land in exchange for approxi-  
11 mately 370 acres of land within the boundary of Glen Can-  
12 yon National Recreation Area, as generally depicted on the  
13 map entitled “Page One Land Exchange Proposal”, num-  
14 ber 608/60573a–2002, and dated May 16, 2002. The map  
15 shall be on file and available for public inspection in the  
16 appropriate offices of the National Park Service. Upon  
17 conclusion of the exchange, the boundary of the recreation  
18 area shall be revised to reflect the exchange.”.

19 (b) CHANGE IN ACREAGE CEILING.—Such section is  
20 further amended by striking “one million two hundred and  
21 thirty-six thousand eight hundred and eighty acres” and  
22 inserting “1,256,000 acres”.

# **TITLE V—WILD SKY WILDERNESS**

## **3 SEC. 501. SHORT TITLE.**

4       This title may be cited as the “Wild Sky Wilderness  
5 Act of 2002”.

## **6 SEC. 502. FINDINGS AND STATEMENT OF POLICY.**

7       (a) FINDINGS.—Congress finds the following:

8           (1) Americans cherish the continued existence  
9       of diverse wilderness ecosystems and wildlife found  
10      on their Federal lands and share a strong sense of  
11      moral responsibility to protect their wilderness herit-  
12      age as an enduring resource to cherish, protect, and  
13      bequeath undisturbed to future generations of Amer-  
14      icans.

15          (2) The values an area of wilderness offer to  
16      this and future generations of Americans are greatly  
17      enhanced to the degree that the area is diverse in to-  
18      pography, elevation, life zones and ecosystems, and  
19      to the extent that it offers a wide range of outdoor  
20      recreational and educational opportunities accessible  
21      in all seasons of the year.

22          (3) Large blocks of wildlands embracing a wide  
23      range of ecosystems and topography, including low-  
24      elevation forests, have seldom remained undisturbed  
25      due to many decades of development.

1           (4) Certain wildlands on the western slope of  
 2           the Cascade Range in the Skykomish River valley of  
 3           the State of Washington offer an outstanding rep-  
 4           resentation of the original character of the forested  
 5           landscape, ranging from high alpine meadows and  
 6           extremely rugged peaks to low-elevation mature and  
 7           old-growth forests, including groves with some of the  
 8           largest and most spectacular trees in Washington,  
 9           with diameters of eight feet and larger.

10           (5) These diverse, thickly forested mountain  
 11           slopes and valleys of mature and old-growth trees in  
 12           the Skykomish River valley harbor nearly the full  
 13           complement of the original wildlife and fish species  
 14           found by settlers of the 19th century, including  
 15           mountain goats, bald eagles, black bear, pine  
 16           marten, black-tailed deer, as well as rare and endan-  
 17           gered wildlife such as northern spotted owls and gos-  
 18           hawks, Chinook and Coho salmon, and steelhead and  
 19           bull trout.

20           (6) An ecologically and topographically diverse  
 21           wilderness area in the Skykomish River valley acces-  
 22           sible in all seasons of the year will be enjoyable to  
 23           users of various kinds, such as hikers, horse riders,  
 24           hunters, anglers, and educational groups, but also to  
 25           the many who cherish clean water and clean air, fish

1 and wildlife (including endangered species such as  
 2 wild salmon), and pristine mountain and riverside  
 3 scenery.

4 (b) STATEMENT OF POLICY.—Congress hereby de-  
 5 clares that it is the policy of the United States—

6 (1) to better serve the diverse wilderness and  
 7 environmental education needs of the people of the  
 8 State of Washington and its burgeoning metropoli-  
 9 tan regions by granting wilderness protection to cer-  
 10 tain lower elevation wildlands in the Skykomish  
 11 River valley of the State of Washington; and

12 (2) to protect additional lands adjacent to the  
 13 Henry M. Jackson Wilderness designated by the  
 14 Washington Wilderness Act of 1984 (Public Law  
 15 98–339), in further tribute to the ecologically en-  
 16 lightened vision of the distinguished Senator from  
 17 the State of Washington and former Chairman of  
 18 the Senate Committee on Energy and Natural Re-  
 19 sources (formerly the Senate Interior and Insular  
 20 Affairs Committee).

21 **SEC. 503. ADDITIONS TO THE NATIONAL WILDERNESS**  
 22 **PRESERVATION SYSTEM.**

23 (a) ADDITIONS.—The following Federal lands in the  
 24 State of Washington are hereby designated as wilderness  
 25 and, therefore, as components of the National Wilderness

1 Preservation System: Certain lands which compromise ap-  
 2 proximately 106,000 acres, as generally depicted on a map  
 3 entitled “Wild Sky Wilderness Proposal”, dated August  
 4 2002, which shall be known as the Wild Sky Wilderness.

5 (b) MAPS AND LEGAL DESCRIPTIONS.—As soon as  
 6 practicable after the date of enactment of this Act, the  
 7 Secretary of Agriculture shall file a map and a legal de-  
 8 scription for the wilderness area designated under this  
 9 title with the Committee on Energy and Natural Re-  
 10 sources of the United States Senate and the Committee  
 11 on Resources of the United States House of Representa-  
 12 tives. The map and description shall have the same force  
 13 and effect as if included in this title, except that the Sec-  
 14 retary of Agriculture may correct clerical and typo-  
 15 graphical errors in the legal description and map. The  
 16 map and legal description shall be on file and available  
 17 for public inspection in the office of the Chief of the Forest  
 18 Service, Department of Agriculture.

19 **SEC. 504. ADMINISTRATIVE PROVISIONS.**

20 (a) IN GENERAL.—Subject to valid existing rights,  
 21 lands designated as wilderness by this title shall be man-  
 22 aged by the Secretary of Agriculture in accordance with  
 23 the Wilderness Act (16 U.S.C. 1131 et seq.) and this title,  
 24 except that, with respect to any wilderness areas des-  
 25 ignated by this title, any reference in the Wilderness Act



1 to the effective date of the Wilderness Act shall be deemed  
2 to be a reference to the date of enactment of this Act.

3 (b) NEW TRAILS.—(1) The Secretary of Agriculture  
4 shall consult with interested parties and shall establish a  
5 hiking trail plan designed to develop a system of hiking  
6 trails within or adjacent to or to provide access to the wil-  
7 derness designated by this title in a manner consistent  
8 with the Wilderness Act, Public Law 88–577 (16 U.S.C.  
9 1131 et seq.).

10 (2) Within 2 years after the date of enactment of this  
11 Act, the Secretary of Agriculture shall complete a report  
12 on the implementation of the hiking trail plan required  
13 under this title. This report shall include the identification  
14 of priority hiking trails for development.

15 (c) REPEATER SITE.—Within the Wild Sky Wilder-  
16 ness, the Secretary of Agriculture is authorized to use heli-  
17 copter access to construct and maintain a single commu-  
18 nication repeater site to be used jointly by the Forest  
19 Service and Washington State’s Snohomish County gov-  
20 ernment to provide improved communication for safety  
21 and health purposes in a manner compatible with the pres-  
22 ervation of the wilderness environment.

23 (d) FLOAT PLANE ACCESS.—As provided by section  
24 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the  
25 use of floatplanes on Lake Isabel, where such use has al-

1 ready become established, shall be permitted to continue  
2 subject to such reasonable restrictions as the Secretary of  
3 Agriculture deems desirable.

4 **SEC. 505. AUTHORIZATION FOR LAND ACQUISITION.**

5 (a) IN GENERAL.—(1) The Secretary of Agriculture  
6 is authorized to acquire lands and interests therein, by  
7 purchase, donation, or exchange, and shall give priority  
8 consideration to those lands identified as “Priority Acqui-  
9 sition Lands” on the map entitled “Wild Sky Wilderness  
10 Proposal”, dated August 2002. The boundaries of the  
11 Snoqualmie National Forest and the Wild Sky Wilderness  
12 shall be adjusted to encompass any land acquired pursu-  
13 ant to this section.

14 (2) CORRIDOR.—Upon the acquisition by the Sec-  
15 retary of Agriculture of the two Priority Acquisition Lands  
16 parcels adjacent to the lands identified as the Corridor on  
17 the map entitled “Wild Sky Wilderness Proposal”, dated  
18 August 2002, the boundary of the Wild Sky Wilderness  
19 shall be adjusted to encompass the Corridor.

20 (b) ACCESS.—Consistent with section 5(a) of the Wil-  
21 derness Act (Public Law 88–577; 16 U.S.C. 1134(a)), the  
22 Secretary of Agriculture shall assure adequate access to  
23 private inholdings within the Wild Sky Wilderness.

24 (c) APPRAISAL.—Valuation of private lands shall be  
25 determined without reference to any restrictions on access

1 or use which arise out of designation as a wilderness area  
2 as a result of this title.

3 **SEC. 506. LAND EXCHANGES.**

4 The Secretary of Agriculture shall exchange lands  
5 and interests in lands, as generally depicted on a map enti-  
6 tled “Chelan County Public Utility District Exchange”  
7 and dated May 22, 2002, with the Chelan County Public  
8 Utility District in accordance with the following provi-  
9 sions:

10 (1) If the Chelan County Public Utility District,  
11 within 90 days after the date of enactment of this  
12 Act, offers to the Secretary of Agriculture approxi-  
13 mately 371.8 acres within the Snoqualmie National  
14 Forest in the State of Washington, the Secretary  
15 shall accept such lands.

16 (2) Upon acceptance of title by the Secretary of  
17 Agriculture to such lands and interests therein, the  
18 Secretary of Agriculture shall convey to the Chelan  
19 County Public Utility District a permanent ease-  
20 ment, including helicopter access, consistent with  
21 such levels as used as of the date of enactment, to  
22 maintain an existing snowtel site on 1.82 acres on  
23 the Wenatchee National Forest in the State of  
24 Washington.

1           (3) The exchange directed by this title shall be  
 2 consummated if Chelan County Public Utility Dis-  
 3 trict conveys title acceptable to the Secretary and  
 4 provided there is no hazardous material on the site,  
 5 which is objectionable to the Secretary.

6           (4) In the event Chelan County Public Utility  
 7 District determines there is no longer a need to  
 8 maintain a snowtel site to monitor the snow pack for  
 9 calculating expected runoff into the Lake Chelan hy-  
 10 droelectric project and the hydroelectric projects in  
 11 the Columbia River Basin, the Secretary shall be no-  
 12 tified in writing and the easement shall be extin-  
 13 guished and all rights conveyed by this exchange  
 14 shall revert to the United States.

## 15   **TITLE VI—CONVEYANCE TO THE** 16       **CITY OF CRAIG, ALASKA**

### 17   **SEC. 601. SHORT TITLE.**

18       This title may be cited as the “Craig Recreation Land  
 19 Purchase Act”.

### 20   **SEC. 602. AUTHORIZATION FOR CONVEYANCE.**

21       If the City of Craig, Alaska (“City”) tenders all right,  
 22 title and interest of the City in and to the municipal lands  
 23 identified on the map entitled “Sunnahae Property and  
 24 Trail”, dated April 22, 1992 and labeled Attachment A,  
 25 to the Secretary of Agriculture (“Secretary”) within 6

1 months of the date the City receives the results of the ap-  
2 praisal conducted pursuant to section 604, the Secretary  
3 shall accept such tender.

4 **SEC. 603. ACQUISITION OF LAND BY THE CITY OF CRAIG.**

5 (a) Funds received by the City under section 602  
6 shall be used by the City for the purchase of lands shown  
7 on the map entitled “Wards Cove Property”, dated March  
8 24, 1969 and labeled attachment B.

9 (b) The purchase of lands by the City under sub-  
10 section (a) shall be for an amount equal to the appraised  
11 value of the lands conveyed to the Secretary by the City,  
12 except that the Secretary and the City may equalize the  
13 values by adjusting acreage or by payments not to exceed  
14 \$100,000.

15 **SEC. 604. APPRAISAL.**

16 Prior to any conveyance, the Secretary shall conduct  
17 an appraisal of the lands identified for conveyance by the  
18 City in accordance with the United States Department of  
19 Justice Uniform Standards of Appraisal and shall notify  
20 the City of the results of the appraisal.

21 **SEC. 605. MANAGEMENT OF CONVEYED LANDS.**

22 Lands received by the Secretary shall be included in  
23 the Tongass National Forest and shall be managed in ac-  
24 cordance with the laws, regulations, and forest plan appli-  
25 cable to the Tongass National Forest.

1 **SEC. 606. AUTHORIZATION.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out the provisions of this  
4 title.

      Passed the Senate November 20 (legislative day, November 19), 2002.

      Attest:

*Secretary.*

107TH CONGRESS  
2D SESSION

**S. 2222**

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**AN ACT**

To resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.